

BORALASKIN LAW LIBRARY



3 1761 10631797 7

Storage
KF
4483
I5
G66
1985a

Goodman, Nancy.
Immigration law
: materials and
cases. 1985 [ed.]

Storage
KF
4483
I5
G66
1985a

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

LAW LIBRARY

JUL - 7 1986

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

IMMIGRATION LAW


Materials and Cases

prepared by Nancy Goodman

September, 1985

Faculty of Law

University of Toronto



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

TABLE OF CONTENTS

ADMISSION TO CANADA

Page

APPLICATIONS FOR PERMANENT RESIDENT STATUS

Overview

"Obtaining Permanent Resident Status", in Law Union of Ontario, The Immigrant's Handbook: A Critical Guide	01
---	----

Applications from Outside Canada

The Right to Apply

Re Minister of Manpower and Immigration and Tsiafakis (1977) 73 D.L.R. (3d) 140	06
--	----

Family Class

Bud Singh Gill v. M.E.I. unreported F.C.A. No. A-512-82.....	10
Re Germain and Malouin et al (1977) 80 D.L.R. (3d) 659	15
Gill v. M.E.I. (1979) 30 N.R. 596	22

Assisted Relatives

Bhadauria v. M.M.I. [1978] 1 F.C. 229	23
---	----

Undertakings of Assistance

Bilson v. Kokotow et al. (1975) 8 O.R. (2d) 263 (High Court).....	27
Bilson v. Kokotow et al. (1978) 23 O.R. (2d) 720 (Court of Appeal)	32

Judicial Review of Applications for Permanent Resident Status

Henry Siclait v. M.E.I. unreported F.C.T.D. No. T-5569-78 Sept. 1979	33
Bhadauria v. M.M.I. <u>Supra</u>	23

Applications from Inside Canada

The Right to Apply

Lawrence v. M.E.I. [1980] 1 F.C. 779	36
O'Grady v. Whyte (1982) 42 N.R. 608	47
Jiminez-Perez and Reid v. M.E.I., Boisvert and Lawson (1982) 45 N.R. 149	51
Jiminez-Perez and Reid v. M.E.I., Boisvert and Lawson (1984) 56 N.R. 215	60

Grounds for Applications from Inside Canada

and Review of Applications from Inside Canada

Barbara Jackman "Inland Landings" Bar Admission Course 1984-5	63
Immigration Manual, Immigration Guideline I.S. 1.39	76
Aujla v. M.M.I. unreported F.C.T.D. No. T-4694-81 Oct. 1981	87
Bihnan v. M.E.I. unreported F.C.T.D. No. T-645-84 Sept. 1984	89
Fulay v. M.E.I. unreported F.C.T.D. No. T-152-83 April 1984	93
Badhwar v. M.E.I. unreported F.C.T.D. No. T-151-83 Dec. 1983	97
Hui v. MEI & Secretary of State for External Affairs unreported F.C.T.D. No. 461-85 Mar. 1985	104

Minister's Permits

Hardayal v. M.M.I. (1977) 50 N.R. 396	109
Re Mauger v. M.E.I. (1980) 119 D.L.R. (3d) 54	114

APPLICATIONS FOR VISITOR'S STATUS: TOURISTS & STUDENTS & WORKERS

"Students", "Applications for Employment Authorizations" in Law Union of Ontario, <u>The Immigrant's Handbook: A Critical Guide</u>	126
Re Jonas and Therrien et al (1977) 75 D.L.R. (3d) 635	128
The Way Biblical Research and Teaching Ministry of Canada v. C.E.I.C. Commission and M.E.I. and Secretary of State for External Affairs [1983] 1 F.C. 467	129
Mitchell v. C.E.I.C., Mulgrue and Staschejko unreported F.C.T.D. No. T-1563-83 Sept. 1980	134
Lu v. M.E.I. unreported F.C.T.D. No. T-4133-80 Sept. 1980	137

INADMISSABILITY TO CANADA AND REMOVAL AFTER ADMISSION TO CANADA

Overview

General Outline of Admission and Removal, in Law Union of Ontario, <u>The Immigrant's Handbook: A Critical Guide</u>	145
--	-----

The Inquiry Process

Technical Requirements: Findings Based on Allegations Not in Original Report; Amending Reports; Subsequent Reports

Eggen v. M.M.I. [1976] 1 F.C. 643	146
Anderson v. M.E.I. (1980) 36 N.R. 423	148
Ajit Singh v. M.E.I. unreported F.C.A. No. A-258-84 Sept. 1984	152
Okalapa v. Lanthier [1977] F.C. 437	155
Au v. Attorney General of Canada [1977] 2 F.C. 254	160

Jurisdiction of the Adjudicator

Re Saini et al. and M.M.I. (1978) 22 N.R. 22	162
Re Monfort and M.E.I. (1979) 105 D.L.R. (3d) 463	168
Akpanson v. M.E.I. [1980] 1 F.C. 732	170
Kaur v. M.E.I. (1984) 58 N.R. 221	173

Inclusion of Dependents

Re Rodney et al. and M.M.I. (1972) 27 D.L.R. (3d) 756	174
---	-----

Representation of Minors

Re Kissoon and M.E.I. (1978) 90 D.L.R. (3d) 766	182
---	-----

Right to Counsel

Molina v. M.M.I. (1975) 12 N.R. 317	183
Sewjattan v. M.E.I. [1979] 2 F.C. 256	184

Right to Interpreter

Re Faiva and M.E.I. (1983) 145 D.L.R. (3d) 756	186
--	-----

Adjournments

Ramawad v. M.M.I. [1978] 2 S.C.R. 375	189
Re Beeston and M.E.I. (1982) 132 D.L.R. (3d) 766	195
Widmont v. M.E.I. (1984) 56 N.R. 198	197
Green v. M.E.I. (1983) 49 N.R. 225	205
Immigration Policy Manual I.S. 1 App. "B", "Petitions to the Governor-in-Council under S. 115 (2)"	207

Person Concerned's Obligation to Give Evidence

Regina v. Cole (1980) 115 D.L.R. (3d) 382	212
Regina v. Forrester (1982) 2 C.C.C. (2d) 467	223
Bowen v. M.E.I. (1984) 58 N.R. 223	226

Admissable Evidence

Re Cheung and M.E.I. (1981) 122 D.L.R. (3d) 41	229
Singh v. M.E.I. (1982) 41 N.R. 439	233

Determination on Facts at Time of Inquiry

Zuniga, Cumbicos and Castillo v. M.M.I. [1972] F.C. 1006	236
--	-----

Deportation Order versus Departure Notice

Lau v. M.E.I. (1984) 52 N.R. 63	237
---------------------------------------	-----

Reopening

Garba v. Lajeunesse and Deputy Attorney General of Canada (1978) 29 N.R. 48	241
--	-----

Inadmissable and Removable ClassesNongenuine Visitors

Shafi-Javid v. M.M.I. (1976) 71 D.L.R. (3d) 251	248
Chan et al. v. M.M.I. (1977) 16 N.R. 301	251
Baljit Singh Gill v. M.E.I. [1981] 1 F.C. 615	254

Medical Inadmissability

Ahir v. M.E.I. (1983) 49 N.R. 185	257
---	-----

Employment Contrary to the Act or Regulations

Georgas v. M.E.I. (1978) 23 N.R. 437	260
--	-----

Failure to Answer Truthfully

Kang v. M.E.I. (1978) 37 N.R. 551	261
---	-----

False or Improperly Obtained Documents; Fraudulent or Improper Means;
Misrepresentation of A Material Fact

M.M.I. v. Brooks (1973) 36 D.L.R. (3d) 523	265
Khamsei v. M.E.I. [1981] 1 F.C. 222	274
Re M.E.I. and Gudino (1981) 124 D.L.R. (3d) 748	277

Criminal Activity; Criminal Equivalency; Relationship between
Immigration and Criminal Law

Brannson v. M.E.I. (1980) 34 N.R. 411	280
Wilson v. M.E.I. [1981] 1 F.C. 324	297
Re Lee and M.E.I. (1979) 102 D.L.R. (3d) 328	307
Re Potter and M.E.I. (1979) 108 D.L.R. (3d) 92	310
Re Lew and M.M.I. (1974) 20 C.C.C. (2d) 127	314
Regina v. Melo (1975) 26 C.C.C. 511	315

CONVENTION REFUGEESOverview

Procedure for Refugee Claims, in Law Union of Ontario, The Immigrant's Handbook: A Critical Guide	319
--	-----

The Definition of Convention Refugee

Louis-Paul Mingot (1973) I.A.C. Vol.8 351	320
Re Inzunza and M.E.I. (1979) 103 D.L.R. (3d) 105	329
Astudillo v. M.E.I. (1979) 31 N.R. 121	332
Gonzalez v. M.E.I. (1981) 2 F.C. 781	335
Amayo v. M.E.I. (1981) 1 F.C. 520	336
Rajudeen v. M.E.I. (1984) 33 N.R. 129	337

Role of the Refugee Status Advisory Committee and the
Minister

Brempong v. M.E.I. (1980) 36 N.R. 323	341
Mensah v. M.E.I. and I.A.B. (1981) 36 N.R. 332	346
Saraos v. M.E.I. (1981) 36 N.R. 305	347
Echeverria v. M.E.I. and R.S.A.C. and Deputy Attorney General of Canada [1982] 1 F.C. 478	351

The Examination Under Oath

Kashmir Singh v. M.E.I. (1983) 50 N.R. 385	355
Daljit Singh v. M.E.I. (1983) 51 N.R. 32	361

Former Applications for Redetermination to the Immigration Appeal Board

Kwiatkowski v. M.M.I. and A.G.Can. (1982) 45 N.R. 116	367
Villaroel v. M.E.I. (1979) 31 N.R. 51	372
Maldonado v. M.E.I. (1979) 31 N.R. 34	375
Ovakimoglu v. M.E.I. (1983) 52 N.R. 67	383

The Right to an Oral Hearing

Sukhwant Singh v. M.E.I. (1983) 47 N.R. 189	385
Singh, Thandi, Mann, Singh, Gill, Indrani, Singh v. M.E.I. and Federation of Canadian Sikh Societies and Canadian Council of Churches (intervenors) (1985) 58 N.R.1.	386

Rights of a Convention Refugee

Boun-Leua v. M.E.I. (1980) 36 N.R. 431	403
--	-----

APPLICATION OF THE CHARTER OF RIGHTS TO IMMIGRATION LAW

Prata v. M.M.I. (1975) 3 N.R. 484	407
Re Gittens and the Queen (1982) 137 D.L.R. (3d) 687	411
Law v. Solicitor General of Canada (1983) 144 D.L.R. (3d) 549	416
Vincent v. M.E.I. (1983) 48 N.R. 214	418
Singh, Thandi, Mann, Singh, Gill, Indrani, Singh v. M.E.I. <u>Supra</u>	386

RETURNING RESIDENTS

Re M.E.I. and Selby (1980) 110 D.L.R. (3d) 126	424
M.E.I. v. Hass unreported I.A.B. No. 79-6130 Feb. 1980	430

APPEALS AND JUDICIAL REVIEW

The Immigration Appeal Board

Boulis v. M.M.I. (1972) 26 D.L.R. (3d) 216	441
--	-----

The Federal Court of Canada

Federal Court Act 1970-71-72 C.10 Sections 18, 28 and 29	445
--	-----

CANADIAN CITIZENSHIP

Citizenship Act 1974-75-76 C. 108 S. 5.....	447
Re Papadogiorgakis (1978) 88 D.L.R. (3d) 243	448
Re Stafford (1979) 97 D.L.R. (3d) 499	451
Re Secretary of State of Canada and Abi-Zeid (1983) 4 D.L.R. (4th) 664	453

THE RELATIONSHIP BETWEEN IMMIGRATION AND FAMILY LAW

Re Khan (1978) 21 O.R. (3d) 748	455
Re Rai (1980) 27 O.R. (2d) 425	456
Re Shewraj and Shewraj (1982) 37 O.R. 64	460
Asser v. Peermohamed (1984) 46 O.R. 664	463

